

Proposed changes to General Permit no. 2

Insert Part I.B.2.D.

D. new or expanded “storm water discharge associated with industrial activity” that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters.

Remove Part I.D.2.

~~2. Unless notified by the Department to the contrary, dischargers who submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit are authorized to discharge storm water associated with industrial activity for construction activities under the terms and conditions of this permit on the date the completed Notice of Intent was received by the Department or the date construction is scheduled to begin as provided on Form 542-1415 (Notice of Intent) whichever is later. Upon review of the Notice of Intent, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit.~~

Remove Part II.A.1.

~~1. Except as provided in Parts II.A.2. and II.A.3. of this permit, individuals who intend to obtain coverage for an existing storm water discharge associated with industrial activity for construction activities which expired on or after October 1, 2007, shall submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II.C. on or before April 1, 2008.~~

Part II.F. is changed as follows:

TRANSFER OF COVERAGE UNDER THIS PERMIT For storm water discharge associated with industrial activity for construction activities where the ownership changes, the Department must be notified of the title transfer within 30 days. Both the previous owner(s) and the new owner(s) are responsible for notifying the Department of the transfer and the new owner’s name and contact information. This requirement shall be satisfied upon the Department’s receipt of the notification of this information by either the previous owner(s) or the new owner(s). If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer that was sent to the Department shall be included in the pollution prevention plan. For construction activity which is part of a larger common plan of development such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than one acre in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the Department receives written notice of transfer of responsibility. A copy of the notice of transfer of responsibility shall be included in the pollution prevention plan.

Part III.A.2. is changed as follows:

2. Discharges from fire fighting activities; fire hydrant flushings; waters used to wash vehicles in accordance with Part IV.D.2.C.(2).; potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; **uncontaminated groundwater**; and foundation or footing drains where flows are not contaminated

with process materials such as solvents; may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part IV.D.5. of this permit.

Part IV.B.2. is changed as follows:

2. The permittee shall make plans available to the Department upon request, or in the case of a storm water discharge associated with industrial activity for construction activities which discharge through a ~~large or medium~~ municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.

Part IV.B.3. is changed as follows:

3. The Department may notify the permittee at any time that the plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 3 ~~business~~ days after such notification to make the necessary changes.

Part IV.C. is changed as follows:

- C. **KEEPING PLANS CURRENT** The permittee shall amend the plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to the waters of the United States and which has not been addressed in the plan or if the storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in Part IV.D.2. of this permit, or in otherwise achieving the general objectives of controlling pollutants in storm water discharge associated with industrial activity for construction activities. In addition, the pollution prevention plan shall be updated to: ~~expeditiously change the site map to include changes at the site~~, include contractors identified after the submittal of the Notice of Intent as Co-permittees, described in Part IV.D.7. of this permit; identify any change in ownership or transference of the permit and permit responsibilities; or, if required, by the occurrence of a hazardous condition (as defined in Part VIII of this permit). Amendments to the plan may be reviewed by the Department of Natural Resources in the same manner as Part IV.B.2.

Part IV.D.2.A.(2).(a). is changed as follows:

- A.(2).(a). For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary ~~(or permanent)~~ sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization of the site has been achieved. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained is not attainable, sediment traps, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

Part IV.D.2.A.(2).(b). is changed as follows:

- A.(2).(b). For drainage locations serving 10 ~~or fewer~~ acres ~~or less~~, sediment traps, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area or a sediment basin providing ~~storage~~ for 3,600 cubic feet of storage per acre drained.

Insert Part IV.D.2.A.(2).(c). as follows:

A.(2).(c). Unless infeasible, the following measures shall be implemented at all sites: utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters, direct storm water to vegetated areas to increase sediment removal and maximize storm water infiltration and minimize soil compaction. Topsoil shall be preserved at all construction sites unless land use precludes the practice. The requirement to preserve topsoil shall be met only when the depth of topsoil after soil disturbing activities have been completed and final stabilization achieved for the permitted activity is equal to, or greater than, 4.0 inches, including soil contained in sod, on all areas of the site where the surface of the ground disturbed for the permitted construction activities is exposed and not covered by concrete, asphalt, gravel or other such material and where 4.0 inches or more of topsoil existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site. On areas where less than 4.0 inches of topsoil existed prior the commencement of soil disturbing activities that are permitted under the current permit authorization for the site, the minimum depth of topsoil after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be equal to, or greater than, the depth of topsoil that existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site.

The final topsoil depth is to be measured after the soil has been compacted in a fashion generally considered adequate for an established lawn and so that the expected settling that will occur after measurement will be minimal and shall include the soil contained in any sod that has been placed on the site. The type of topsoil at the site after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be similar to that which exists or existed in the general area of the site.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in subrule 567-64.6(6) of the Iowa Administrative Code), the topsoil preservation requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.

For sites where less than 4.0 inches of topsoil is to be in place after soil disturbing activities have been completed and final stabilization achieved for the permitted activity, a soil survey conducted by properly qualified personnel who regularly conduct soil surveys as part of their normal job duties must be conducted prior to commencement of soil disturbing activities that are permitted under the current permit authorization for the site. The results of the soil survey shall become part of the Pollution Prevention Plan and shall indicate the depth of topsoil at a suitable number of points on the site commensurate with standard engineering practices established for the size of the site.

The topsoil preservation requirement described above shall be implemented for projects that have not received an authorization under this permit prior to October 1, 2012. The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012. In residential and commercial developments, a plat is considered a project. For other large areas that have been authorized for multiple construction sites including those to be started at a future date such as those located at industrial facilities, military installations and universities, a new construction project not yet surveyed and platted out is considered a project. This stipulation is intended to be interpreted as requiring the topsoil preservation requirements on development plats and construction activities on other extended areas that may have several construction projects permitted under the same authorization to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012 even if other plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

Part IV.D.2.B.(2) is to have the comma removed in the following portion:

(e.g. maintenance of hydrologic conditions, present prior to the initiation of construction activities).

Part IV.D.2.D. is to have a space inserted after the last paragraph of the section and Part IV.D.3.

Part IV.D.4. is changed as follows:

4. **INSPECTIONS** Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been ~~finally~~ stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days ~~and within 24 hours of the end of a storm that is 0.5 inches or greater~~. Unless erosion is evident or other conditions warrant them, regular inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion.

Part VI.B. is changed as follows:

- B. **CONTINUATION OF THE EXPIRED GENERAL PERMIT** This permit expires on October 1, ~~2012~~ 2017. An expired general permit continues in force until replaced by adoption of a new general permit.

Part VI.E. is changed as follows:

- E. **DUTY TO PROVIDE INFORMATION** The permittee shall furnish to the Department, within a ~~reasonable time~~ three hours, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

Part VI.G. is changed as follows:

- G. **SIGNATORY REQUIREMENTS** All Notices of Intent, storm water pollution prevention plans, reports, certifications or information either submitted to the Department or the operator of a ~~large or medium~~ municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with rule 567--64.3(8) of the Iowa Administrative Code as follows:

Add these definitions in Part VIII.:

“Construction site” means a site or common plan of development or sale on which construction activity, including clearing, grading and excavating, results in soil disturbance. A construction site is considered one site if all areas of the site are contiguous with one another and one entity owns or controls all areas of the site.

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and also waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Permittee” means the owner of the facility or site.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Topsoil” means the fertile, uppermost part of the soil containing significant organic matter largely devoid of debris and rocks and often disturbed in cultivation.

“Uncontaminated groundwater” means water that is potable for humans, meets the narrative water quality standards in subrule 567-61.3(2) of the Iowa Administrative Code, contains no more than half the listed concentration of any pollutants in subrule 567-61.3(3) of the IAC, has a pH of 6.5-9.0 and is located in soil or rock strata.

Modify this definition in Part VIII.:

“Final Stabilization” means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70% for the area has been established or equivalent stabilization measures have been employed **or which has been returned to agricultural production.**

Remove this definition in Part VIII.:

~~***“Large and Medium Municipal Separate Storm Sewer System”*** means all municipal separate storm sewers that are either:~~

~~—— (i.) located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or~~

~~—— (ii.) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or~~

~~—— (iii.) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Director as part of the large or medium municipal separate storm sewer system.~~